



Notice of Service of Process

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Transmittal Number: 19478746
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Primary Contact: Heather McClow
Lowe's Companies, Inc.
1000 Lowe's Blvd
 Mooresville, NC 28117

Entity:	Lowe's Home Centers, LLC Entity ID Number 2515365
Entity Served:	Lowe's Home Centers, LLC
Title of Action:	Fausto Fuentes vs. Lowe's Home Centers, LLC
Document(s) Type:	Summons/Complaint
Nature of Action:	Discrimination
Court/Agency:	Hamilton County Court of Common Pleas, OH
Case/Reference No:	A 1901160
Jurisdiction Served:	Ohio
Date Served on CSC:	03/11/2019
Answer or Appearance Due:	28 Days
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COPY

COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO

FAUSTO FUENTES
PLAINTIFF

-- vs --

LOWES HOME CENTERS LLC
DEFENDANT

Use below number on
all future pleadings

No. A 1901160
SUMMONS

LOWES HOME CENTERS LLC
% CORPORATION SERVICE COMPANY
50 WEST BROAD ST STE 1330
COLUMBUS OH 43215

D - 1

You are notified
that you have been named Defendant(s) in a complaint filed by

FAUSTO FUENTES
3200 DOGWOOD COURT
LOVELAND OH 45140

Plaintiff(s)

in the Hamilton County, COMMON PLEAS CIVIL Division,
AFTAB PUREVAL, 1000 MAIN STREET ROOM 315,
CINCINNATI, OH 45202.

You are hereby summoned and required to serve upon the plaintiff's attorney, or upon the plaintiff, if he/she has no attorney of record, a copy of an answer to the complaint within twenty-eight (28) days after service of this summons on you, exclusive of the day of service. Your answer must be filed with the Court within three (3) days after the service of a copy of the answer on the plaintiff's attorney.

Further, pursuant to Local Rule 10 of Hamilton County, you are also required to file a Notification Form to receive notice of all future hearings.

If you fail to appear and defend, judgement by default will be rendered against you for the relief demanded in the attached complaint.

Name and Address of attorney
JON ALLISON
600 VINE STREET
9TH FLOOR
CINCINNATI OH 45202

AFTAB PUREVAL
Clerk, Court of Common Pleas
Hamilton County, Ohio

By RICK HOFMANN

Deputy

Date: March 7, 2019



D124747615



**AFTAB PUREVAL
HAMILTON COUNTY CLERK OF COURTS**

COMMON PLEAS DIVISION

**ELECTRONICALLY FILED
March 5, 2019 11:38 AM
AFTAB PUREVAL
Clerk of Courts
Hamilton County, Ohio
CONFIRMATION 824053**

FAUSTO FUENTES

A 1901160

vs.

LOWES HOME CENTERS LLC

**FILING TYPE: INITIAL FILING (OUT OF COUNTY) WITH JURY
DEMAND**

PAGES FILED: 6

EFR200

Jon B. Allison (0073955)
Trial Attorney for Plaintiff

**COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

FAUSTO FUENTES
3200 Dogwood Court
Loveland, OH 45140

Plaintiff,

V.

LOWE'S HOME CENTERS, LLC
c/o Corporation Service Company
50 West Broad Street, Suite 1330
Columbus, OH 43215

Defendant.

: Case No. _____

:
:
: Judge _____

**COMPLAINT WITH JURY DEMAND
ENDORSED HEREON**

PARTIES

1. Plaintiff Fausto Fuentes is a citizen of the State of Ohio.
2. Defendant Lowe's Home Centers, LLC is a North Carolina limited liability company that does business in Ohio.
3. Defendant is an employer within the meaning of state law.

JURISDICTION AND VENUE

4. This Court has personal jurisdiction over Defendant in this case and subject matter jurisdiction over the allegations in the Complaint.
5. Venue is proper in this county because some of the actions giving rise to the Complaint occurred in Hamilton County, Ohio.

FACTUAL ALLEGATIONS

6. Plaintiff Fausto Fuentes, a Hispanic-American born in El Salvador, became employed with Defendant in 2004.

7. Plaintiff was a loyal, dedicated and highly successful employee during his 15-year career with Defendant.

8. Plaintiff was hired as a Department Manager in 2004.

9. He was promoted numerous times, including to Zone Manager shortly after his hire and to Operations Manager in 2006. In 2007, he was tasked with opening the Western Hills location and becoming its Store Manager. In 2014, Plaintiff was asked to transfer to the Milford location and become its Store Manager.

10. At each of Plaintiff's stops he performed well. This was particularly true in his last assignment.

11. In 2016 he won Store Manager of the Year for Region 21, which consists of 121 store locations.

12. He also won the Top Performance Chairman's Award for the north division, which consisted of 300 store locations.

13. Plaintiff was also recognized as one of the top performers with respect to employee engagement scores, which he was able to accomplish despite the Milford store being ranked near the bottom when he started there.

14. Plaintiff consistently met or exceeded his objective performance metrics. He increased sales by approximately 15% and was a consistent top performer in the district.

15. Despite this solid performance record, Plaintiff was held to a different standard than his Caucasian, American-born peers by his direct supervisor, Cincinnati Market Supervisor Jeff Day.

16. Day would discipline Plaintiff for matters that were not his responsibility. He also disciplined Plaintiff where Caucasian, American-born peers received no discipline under similar circumstances.

17. Plaintiff confronted Day about a number of these instances of different treatment and Day refused to discuss them.

18. Plaintiff was subjected to unwanted commentary as well. He was called derogatory names such as “El Chapo,” and many mocked his accent. In fact, a number of employees assigned to work with Plaintiff were told that they would not be able to understand him because of this accent.

19. On September 14, 2018, during a meeting with Day in which the two were discussing Plaintiff’s relationship with his co-workers, Plaintiff complained about this treatment. Plaintiff told Day he had been reluctant to say anything before due to fear of retaliation. Plaintiff added that, while he enjoyed his work, he no longer wanted to feel he was being mistreated due to his race and national origin.

20. Shortly after the September 14, 2018 complaint, Plaintiff was accused of inappropriate conduct towards a female employee.

21. There was absolutely no evidence to substantiate the complaint and plenty of reason to doubt it.

22. Nevertheless, on October 5, Plaintiff was abruptly terminated.

COUNT I
(National Origin Discrimination – R.C. Chapter 4112)

23. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.

24. Plaintiff’s nation of origin is El Salvador and he was fully qualified for his position at all relevant times.

25. Defendant's conduct in discriminating against Plaintiff includes, but is not limited to, treating him less favorably than similarly-situated employees because of Plaintiff's national origin, creating a hostile work environment, and terminating his employment in violation of R.C. Chapter 4112.

26. Defendant's conduct was intentional, willful, wanton, malicious, and in reckless disregard of Plaintiff's legal rights.

27. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered damages for which he is entitled to recovery.

COUNT II
(Race Discrimination – R.C. Chapter 4112)

28. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.

29. Plaintiff is Hispanic-American and was fully qualified for his position at all relevant times.

30. Defendant's conduct in discriminating against Plaintiff includes, but is not limited to, treating him less favorably than similarly-situated non-Hispanic employees, creating a hostile work environment, and terminating his employment because of his race in violation of R.C. Chapter 4112.

31. Defendant's conduct was intentional, willful, wanton, malicious, and in reckless disregard of Plaintiff's legal rights.

32. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered damages for which he is entitled to recovery.

COUNT III
(Retaliation – R.C. Chapter 4112)

33. Plaintiff realleges the foregoing paragraphs as if fully rewritten herein.

34. Plaintiff engaged in protected activity when he complained to Defendant that he was being discriminated against on the basis of race and national origin.

35. Defendant's conduct in retaliating against Plaintiff includes, but is not limited to, terminating his employment in violation of R.C. Chapter 4112.

36. Defendant's conduct was intentional, willful, wanton, malicious, and in reckless disregard of Plaintiff's legal rights.

37. As a direct and proximate result of Defendant's unlawful conduct, Plaintiff has suffered damages for which he is entitled to recovery.

WHEREFORE, Plaintiff Fausto Fuentes demands judgement against Defendant as follows:

- (a) That Plaintiff be reinstated;
- (b) That Plaintiff be awarded all lost pay, front pay and benefits;
- (c) That Plaintiff be awarded compensatory damages;
- (d) That Plaintiff be awarded punitive damages;
- (e) That Plaintiff be awarded liquidated damages;
- (f) That Plaintiff be awarded pre-judgement and post-judgement interest;
- (g) That Plaintiff be compensated for the adverse tax consequences of receiving a lump sum award rather than his compensation over several, separate tax years;
- (h) That Plaintiff be awarded reasonable attorneys' fees; and
- (i) That Plaintiff be awarded all other legal and equitable relief to which he may be entitled.

Respectfully Submitted,

/s/ Jon B. Allison

Jon B. Allison (0073955)

Attorney for Plaintiff

FREKING MYERS & REUL LLC

600 Vine Street, Ninth Floor

Cincinnati, OH 45202

513-721-1975/Fax: 513-651-2570

jallison@fmr.law

JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

/s/ Jon B. Allison

AFTAB PUREVAL
1000 MAIN STREET ROOM 315
CINCINNATI OH 45202
COMMON PLEAS CIVIL
A 1901160 D 1

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03/07/2019

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ZIP 45202
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03/07/2019 SUMMONS & COMPLAINT
LOWES HOME CENTERS LLC
% CORPORATION SERVICE COMPANY
50 WEST BROAD ST STE 1330
COLUMBUS OH 43215